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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/721,884

11/24/2000

Emden Gansner

1999-0730

4129

7590

07/12/2006

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,884

Applicant(s)

GANSNER ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REOPENED

1. In view of the Appeal Brief filed on 4/18/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 as (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

2. Claims 1-14 are pending in this Office Action.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-14 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claim 1 deals with simple mathematical abstract idea. A claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and tangible results. See *Diehr*, 450 U.S. at 186 and *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-6, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US Patent 6,473,080) hereinafter Brown, and in view of Lakritz (US Patent 6,526,426) hereinafter Lakritz.

7. As per independent claims 1, 8, Brown teaches the following:

“a visualization interface” (as per spec., interface is a module) at Fig. 1, col. 6, lines 27-31 and lines 37-40;

“a plurality of processing tools” at Fig. 1, col. 6, lines 30-34;

“means for accessing a plurality of data files that had been converted to a uniform self-describing format” at Fig. 1, col. 5, lines 55-65 and col. 6, line 63 to col. 7, line 2.

Brown does not explicitly teach streaming the data. However Lakritz teaches “means that enables streaming the data to and through one or more said processing tools to create data results for updating one or more objects, which one or more objects may be displayed by the visualization interface” at Fig. 6, col. 7, lines 24-47. Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Lakritz’s teachings would have allowed Brown’s method provides a variety of translation resources instantly available to the user (col. 2, lines 34-35).

Art Unit: 2164

8. As per dependent claims 2, 9, Brown teaches “the visualization interface provides linked views of the data results” at Fig. 1, col. 6, lines 37-40, line 46 and col. 7, lines 30-35.

9. As per dependent claims 3, 10, Brown teaches “the visualization interface is capable of presenting a statistical two-dimensional view, a pixel-oriented two-dimensional view, and a dynamic three-dimensional detailed view” at Fig. 1, 12-13, col. 16, lines 59-61 and col. 7, lines 43-47.

10. As per dependent claims 4, 11, “the visualization interface can access the data results as the processing tools are working on the data” at Fig. 1, col. 6, lines 37-40.

11. As per dependent claims 5, 12, Brown teaches “the visualization interface enables selection of a portion of the data results such that data corresponding to the portion selected may be accessed and processed in real-time to create second data results that are displayed on the visualization interface” at Fig. 1, col. 6, lines 8-11.

12. As per dependent claims 6, 13, Brown teaches “the processing tools enables creation of new processing expressions that are compiled and dynamically linked to the processing tools” at Fig. 5, col. 14, lines 46-49.

13. Claims 7, 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peters (US Patent 5,715,334) hereinafter Brown, in view of Lakritz (US Patent 6,526,426) hereinafter Lakritz, and in view of admitted prior art (Hereinafter, APA).

14. As per claims 7, 14, Brown and Lakritz do not explicitly teach accessing the data using direct IO. However, APA teaches accessing data using direct IO (see the instant application on Page 7, Lines 140-141). It would have been obvious to one of those skilled in the art that there would be a faster way to access data directly from devices instead of normal way of accessing data (page 7, lines 141-142).

Response to Arguments

15. Applicant's arguments filed on 4/18/2006 have been fully considered but they are moot in view of the new ground(s) of rejection.

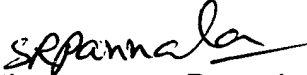
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Ronces can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sathyanarayan Pannala
Examiner
Art Unit 2164

srp
July 2, 2006

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER/2100